

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>HOUSE OF BRYANT PUBLICATIONS,</b>	)	
<b>L.L.C.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:09-0502</b>
	)	<b>Judge Trauger</b>
<b>A&amp;E TELEVISION NETWORKS,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**DECLARATION OF RECORDS CUSTODIAN**

STATE OF CONNECTICUT)  
COUNTY OF FAIRFIELD )

I, Sean Ryan, declare as follows:

1. I am employed by A&E Television Networks (“AETN”) as Manager of Archive Services, a position I have held since 2003. In that position I am the custodian of records of AETN’s library of program assets including broadcast masters of AETN programming, including masters of the series “City Confidential.”

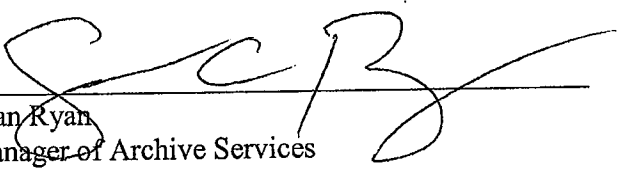
2. On information and belief, or about December 11, 2004, AETN first broadcast the episode of the television documentary series *City Confidential* entitled “Knoxville, TN: Phantom Hitman.”

3. I certify that I have reviewed the DVD filed as Exhibit A to the Defendant’s Request for Judicial Notice and it is a true and correct copy of the broadcast master of “Knoxville, TN: Phantom Hitman” *City Confidential* as it was broadcast by AETN and maintained in AETN’s possession, except that a time code was added to the DVD to permit easy

reference to any scene or element in the program. Broadcast masters do not contain commercials or other interstitial materials that may appear to viewers during the broadcast and are inserted at designated points in any given program.

4. The broadcast master that is duplicated on the DVD was created or compiled by AETN from so-called "core materials" delivered by the producers of the episode, and was created and kept in the course of regularly conducted business activity of AETN. It is the regular practice of AETN to make and retain a copy of the broadcast master of any program broadcast by AETN, including *City Confidential*.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on, September 17, 2009, at Stamford, Connecticut.



Sean Ryan  
Manager of Archive Services  
A&E Television Networks

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with the Court and served via the Court's Electronic Case Filing system on this 22<sup>nd</sup> day of September, 2009, to the following counsel of record:

Richard S. Busch  
King & Ballow  
315 Union Street, Suite 1100  
Nashville, TN 37201

/s/ Robb S. Harvey  
Counsel for Defendants